

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE HIPSAVER COMPANY, INC.,

Plaintiff,

v.

J.T. POSEY COMPANY,

Defendant.

Civil Action No. 05-10917 PBS

**ASSENTED-TO MOTION OF DEFENDANT J.T. POSEY COMPANY FOR LEAVE TO
FILE DECLARATION OF PHILIP GREEN UNDER SEAL**

Pursuant to Local Rule 7.2, defendant J.T. Posey Company (“Posey”) respectfully moves for leave to file the June 10, 2007 Declaration of Philip Green CPA with the Court under seal. Mr. Green’s declaration was discussed during the hearing in this matter on June 11, 2007. The declaration addresses issues with plaintiff HipSaver’s recently-produced financial records. Counsel for Posey showed the declaration to the Court during the June 11 hearing. See transcript of June 11, 2007 hearing, at pages 60-61. It appears, however, that a copy of the declaration was not given to the Court at that time, and therefore Posey now requests leave to file it formally with the Court.

The declaration contains information that has been designated as “Confidential – Attorneys’ Eyes Only” under the Protective Order in this case (Docket No. 48). In accordance with Local Rule 7.2, Posey requests that the exhibits be impounded until the final resolution of this litigation between the parties, at which time they will be retrieved by Posey.

Pursuant to Local Rule 7.1(A)(2), counsel for Posey has conferred with the plaintiff's counsel regarding this motion. Plaintiff assents to the Green Declaration being filed with the Court, under seal.

WHEREFORE, Posey requests that the Court enter an Order impounding the above-referenced documents.

J.T. POSEY COMPANY

By its attorneys,

/s/ Anthony J. Fitzpatrick
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June 18, 2007

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of electronic filing and paper copies will be sent to those indicated as non-registered participants on June 18, 2007.

/s/ Anthony J. Fitzpatrick
Anthony J. Fitzpatrick